IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 18548 of 2007(G)

CMA.3/2007 of SUB COURT,NEYYATTINKARA
OS.784/2004 of I ADDL.M.C.,NEYYATTINKARA

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PETITIONER: DEFENDANT/JUDGMENT DEBTOR:

GOPINATHAN, S/O.CHELLAYYAN,
VAZHAVILA PUTHEN VEEDU, PALUKAL, PARASSALA VILLAGE
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN PANICKER
SRI.M.R.SASITH PANICKER

RESPONDENT: PLAINTIFF/DECREE HOLDER:

SHILOK DIVAKAR, S/O.DIVAKAR,
PEECHINAKATH VEEDU, CHENKAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 18548 OF 2007

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Dated this the 18th day of June, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the Subordinate Judge, Neyyattinkara to dispose of CMA 3/07 and the stay petition pending before it within a time limit. He also prays for a stay of further proceedings in E.P.247/06 pending before Additional Munsiff Court, Neyyattinkara. I am informed that the decree which is put under execution is an exparte decree and the Trial court refused to set aside the exparte decree. Against the same, the writ petitioner has moved the CMA with a petition to condone the delay of 54 days and also a stay petition. The Subordinate Court has not passed any orders. As the proceedings are pending before the Appellate Court, it is only just and correct to direct the Subordinate Court to dispose of the delay condonation application as well as the CMA and stay petition, if possible,

within a reasonable time. Till that time there will be a stay of the execution of the decree.

Therefore, the writ petition is allowed and a direction is given to the Subordinate court, Neyyattinkara to dispose of the delay petition and CMA itself within a time frame of two months and till that time the executing court is directed not to proceed with the execution of the decree.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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